

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shinya INAGAKI, et al.

Application No.:

Group Art Unit:

Filed: April 14, 2004

Examiner:

For: APPARATUS AND METHOD OF COMPENSATING FOR WAVELENGTH
DISPERSION OF OPTICAL TRANSMISSION LINE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☐ Copies of IDS citations.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☐ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☐ This Information Disclosure Statement is filed under 37 CFR §1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application other than a Continued Prosecution Application under § 1.53(d);
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☐ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)

- 3a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; OR
3b. ☐ The \$180.00 fee set forth in 37 C.F.R. § 1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND
4b. ☐ The \$180.00 fee set forth in 37 C.F.R. § 1.17(p) is:
☐ enclosed.
☐ to be charged to Deposit Account No. 19-3935.

5. ☐ Statement under § 1.97(e) (*applicable if Item 3a or Item 4a is checked*)
(Check either Item 5a or 5b)

- 5a. ☐ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☒ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

(Check appropriate Items 6a and/or 6b)

- 6a. ☒ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. 09/753,573, filed on January 4, 2001, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).
6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. ___, filed on ___, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114.

(Check either Item 7a or 7b)

- 7a. ☐ The Issue Fee has not been paid.
7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A continuation/divisional application under 37 CFR § 1.53(d) or a Request for Continued Examination under 37 CFR 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.53(d)(1)(ii) or 37 CFR 1.114(a), respectively.

8. ☐ This is a Supplemental Information Disclosure Statement.

(Check either Item 8a or 8b)

- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on _____.
8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97 and 1.98, mailed _____.

9. ☐ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check appropriate Items 9a, 9b, 9c and/or 9d)

- 9a. ☐ satisfied because all non-English language publications were cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed.)
9b. ☐ set forth in the application.
9c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
9d. ☐ enclosed as Attachment 1(e), hereto.

10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: April 14, 2004
1201 New York Ave., N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

By: Paul I. Kravetz
Paul I. Kravetz
Registration No. 35,230

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 826.1633D	APPLICATION NO.
LIST OF REFERENCES CITED BY APPLICANT <i>(Use several sheets if necessary)</i>		FIRST NAMED INVENTOR Shinya INAGAKI, et al.	
		FILING DATE April 14, 2004	GROUP ART UNIT

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,838,849	11/17/98	Shirasaki			
	AB	5,969,866	10/19/99	Shirasaki			
	AC	5,973,838	10/26/99	Shirasaki			
	AD	5,982,488	11/09/99	Shirasaki			
	AE	5,999,320	12/07/99	Shirasaki			
	AF	5,969,865	08/13/97	Shirasaki			
	AG	5,930,045	07/27/99	Shirasaki			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	<u>TRANSLATION</u> YES NO	
	AH	WO 99/30445	6/17/99	PCT				
	AI	EP 1 049275A1	11/12/00	EPO				
	AJ	JP-A-09-043057	02/14/97	Japan				
	AK	WO 98/35259	08/13/98	PCT				
	AL	WO 99/09448	02/25/99	PCT				

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

							<u>TRANSLATION</u> YES NO	
	AN	M. Shirasaki, "Chromatic Dispersion Compensation Using Virtually Imaged Phased Array", Optical Amplifiers and Their Applications, Paper PDP-8, July, 1997.						

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 826.1633D	APPLICATION NO.
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		FIRST NAMED INVENTOR Shinya INAGAKI, et al.	
		FILING DATE April 14, 2004	GROUP ART UNIT

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	BA	5,568,583	10-1996	Akasaka et al.			
	BB	5,673,354	09-1997	Akasaka et al.			
	BC	5,956,440	09-1999	Mikami et al.			
	BD	6,009,221	12-1999	Tsuda, Toshiaki			
	BE	6,031,955	02-2000	Mukasa et al.			
	BF	6,311,002	10-2001	Evangelides et al.			
	BG	6,393,188	05-2002	Jeong et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES	NO
	BH							
	BI							
	BJ							
	BK							
	BL							
	BM							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	BM	
	BN	
	BO	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	